

Josiah Ferrebee
1371 North Washington Avenue
Scranton, Pennsylvania 18509

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

-VS-

JOSIAH FERREBEE

FILED
SCRANTON

3:16-CR-152

MAY 18 2017

(JUDGE MUNLEY)

PER

PRO SE MOTION TO WITHDRAW COUNSEL AND PROCEED PRO SE

AND NOW, comes the Defendant, JOSIAH FERREBEE, who respectfully presents to this Honorable Court the following Motion to Withdraw Counsel and Proceed Pro Se and in support thereof, avers as follows:

1. That on or about June 3, 2016, the Defendant in the above-captioned matter was arrested and charged with Title 18, United States Code, Section 2251 (a) and (e) and Title 18, United States Code, Section 2422 (b).
2. The Honorable Magistrate Judge Joseph F. Saporito appointed Christopher Osborne as counsel for the Defendant.
3. It is the Defendant's belief that his attorney, Christopher Osborne, does not have the Defendant's best interest at hand.
4. The Defendant's attorney has put in multiple motions to extend time to file pretrial motions without advising the Defendant that such motions were put in. The Defendant's counsel failed to consult or get consent from the Defendant before filing these motions.
5. The Defendant's attorney put in a motion on June 6, 2016, which was later granted on June 7, 2016, to have a psychiatric evaluation done on the Defendant. The Defendant was then transported to FDC Seatac in Seatac, Washington for the evaluation without any legal representation.
6. The Sixth Amendment of the United States Constitution provides the right "to have the


Assistance of Counsel for his defence." The Defendant's Sixth Amendment was violated.

7. The Defendant had the right to have counsel present at FDC Seatac during the evaluation. The Defendant's counsel was in Pennsylvania at the time, which left the Defendant no legal counsel to advise of legal rights. The Defendant's counsel failed to contact the Federal Public Defender's Office or the CJA Office in Seattle, Washington to provide the Defendant legal counsel as that counsel was not available.
8. Under the 14th Amendment of the United States Constitution, due process of law was violated on grounds that counsel failed to perform duties and ensure that legal representation was provided during all stages of the prosecution.
9. It has been over ten (10) months since the Defendant's indictment. Attorney Osborne has failed to give the Defendant his whole discovery yet as the prosecution did not give the Defendant his whole discovery within a timely manner violating the Defendant's 14th Amendment, due process. The Defendant believes that his attorney does not have his best interest at hand on grounds that it took over 10 months to receive a partial discovery.
10. The Defendant's attorney has also stated that he refuses to review pictures that the prosecution holds. The Defendant incorporates that pictures are the sole basis of prosecution. By counsel stating that he refuses to view the pictures, it blatantly shows that counsel does not have the Defendant's best interest at hand.
11. The Defendant has requested and filed *Pro Se* for his discovery and has yet to receive the whole discovery from his attorney or the prosecution. There is missing pictures and texts which are discoverable under Fed.R.Crim.P.16 (a) (1) (C).
12. The Defendant has requested that his attorney come see him and discuss his case and review his discovery with him. There is supposed pictures that the Defendant has yet to see which are discoverable under Fed.R.Crim.P.16 (a) (1) (C). The Defendant's attorney has failed to review the discovery with the Defendant and has failed to show the Defendant the pictures that he is being accused of.

13. The Defendant has sent several letters to his attorney requesting information and to come see the Defendant. The Defendant's counsel has failed to reply to any letters. It is a known fact that Mr. Osborne has come to Lackawanna County Prison more than once, and has not seen the Defendant as requested. Mr. Osborne has stated on the minutes, May 4, 2017, that he did not see the Defendant because he had nothing new to discuss with the Defendant. The Defendant incorporates that having no new information is not a merit excuse for not contacting or seeing a client.
14. The Defendant has requested that his attorney put in pretrial motions to suppress the Defendant's electronic under Fed.R.Crim.P.41, which counsel has failed to do. The Defendant has pushed the issue many times to his attorney that his evidence is merit to suppression. The Defendant incorporates that his counsel can not be representing him when counsel has stated that the Defendant's evidence holds no merit and has stated repeatedly that he has not defence.
15. The Defendant also incorporates that he can not recieve a fair and just trial, which is his absolute right under the 6th Amendment, on grounds that Mr. Osborne has the Defendant guilty based off the affidavit of probable cause.
16. The Defendant believes that the attorney/client relationship has become so strained that they can no longer work together in regards to the Defendant's defence.
17. The Defendant wishes to withdraw Christopher Osborne as counsel for the Defendant, as he does not have the Defendant's best intrest at hand and is blantly bias and prejudice against the Defendant on grounds of having the Defendant guilty.
18. The Defendant is respectfully requesting that this Honorable Court grant the Defendant to proceed *Pro Se*, and if need, request a CJA attorney at a later date.

WHEREFORE, is it respectfully requested that this Honorable Court grant this motion to withdraw the Defendant's counsel and proceed *pro se* in his defence.

Respectfully Submitted,


Josiah Ferrebee

UNITED STATES OF AMERICA

-VS-

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JOSIAH FERREBEE

CERTIFICATE OF SERVICE

I, Josiah Ferrebee, Defendant, hereby affirm that I did serve a true and correct copies of *PRO SE MOTION TO WITHDRAW COUNSEL AND PROCEED PRO SE* and supportive details to the following persons in the matter stated:

Mr. Christopher Osborne
Osborne Law, LCC
329 Penn Avenue, Suite 200
Scranton, Pennsylvania 18501

First class U.S. mail, postage prepaid, on May 16, 2017.

Federal Office of the Clerks
William J. Nealon Federal Building
P.O. Box 309
235 North Washington Avenue
Scranton, Pennsylvania 18501

First class U.S. mail, postage prepaid, on May 16, 2017.

Honorable Judge James Munley
Judge's Chambers
William J. Nealon Federal Building
P.O. Box 309
235 North Washington Avenue
Scranton, Pennsylvania 18501

First class U.S. mail, postage prepaid, on May 16, 2017.

Respectfully Submitted,



Josiah Ferrebee

Name: Josiah Ferrebee
Lackawanna County Prison
1371 N Washington Avenue
Scranton, PA 18509-2840

LEHIGH VALLEY PA 180

17 MAY 2017 PM 2 1

RECEIVED
SCRANTON

MAY 18 2017

Pen [Signature]
DEPUTY CLERK

Federal Clerk's Office

William J. Nealon Fed. Bldg
235 N. Washington Ave
Scranton, PA 18501

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